

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENNIS BALL-BEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18-CV-1364-SPM
)	
KYLE CHANDLER, et al.,)	
)	
Defendants.)	

ORDER

On February 25, 2021, this matter came before the Court for a virtual “in chambers” Discovery Status Conference during which the Court and counsel discussed the status of the parties’ ongoing discovery disputes. The Court and counsel previously discussed the parties’ ongoing discovery disputes at conferences held on January 27, 2021 and February 11, 2021. The issue at those conferences related to the production of police incident reports reflected in release agreements previously produced by the Defendant City of St. Louis (“the City”) to Plaintiff and the production of a privilege log in response to Plaintiff’s Request for Production #21.

A. Police Incident Reports

At the time of the discovery status conference on February 25th, counsel for the City, Erin McGowan, announced that the City was on track to meet deadlines previously established by the Court’s order dated February 11, 2021, for production of approximately 400 responsive police incident reports to defense counsel (for “Attorneys Eyes Only”) by March 26, 2021. As such, it appears that any dispute related to the production of these police incident reports has been resolved or will very soon be resolved by the production of the requested documents.

B. Privilege Log/Documents In Response To Pltf. RFP #21

At the time of the February 25th conference, the parties announced that, consistent with the Court's previous order, the City produced a "hit" report of search terms run across email accounts of custodians identified by the plaintiff; the parties met and, ultimately, reached an agreement regarding which "hits" from the City's initial search are documents that should be reviewed by the City as potentially responsive and, if necessary, placed on a privilege log. The parties articulated the terms of their agreement on the record at the time of the status conference.¹ Based on the discussion between the Court and counsel held on the record at the discovery status conference, the defendants will produce either a privilege log or documents responsive to RFP #21 by no later than **April 9, 2021**.

C. Plaintiff's Motion to Compel

Based on the discussion held during the discovery conference on February 25, 2021, if Plaintiff continues to believe that Defendants responses are incomplete, insufficient, or inconsistent with the law regarding privileged communications, Plaintiff must file a motion to compel responses to RFP #s 21, 23 and 25, **no later than 14 days** after Defendants produce either a privilege log or documents responsive to RFP #21.

Accordingly,

IT IS HEREBY ORDERED that Defendant the City of St. Louis must produce all responsive police incident reports on a rolling basis beginning no later than **March 4, 2021** and must complete production of all responsive police incident reports by no later than **March 26, 2021**. Defendant must produce a significant portion ($\geq 50\%$) of the incident reports on or before the March 4th deadline for completing production of a first batch of the incident reports.

¹ Defendants' counsel acknowledged that the defense was having trouble locating emails for one of the custodians, David Miller, who left the City over ten years ago. Defense counsel agreed to provide an affidavit to Plaintiff's counsel regarding the search and the results of the search if the City is unable to locate the emails.

IT IS FURTHER ORDERED that, using the search terms agreed upon by the parties, Defendant the City of St. Louis must produce either a privilege log or documents responsive to RFP #21 by no later than **April 9, 2021**.

IT IS FINALLY ORDERED that if Plaintiff continues to believe that Defendant's responses are incomplete, insufficient, or inconsistent with the law regarding privileged communications, Plaintiff must file a motion to compel responses to RFP #s 21, 23 and 25, **no later than 14 days** after Defendant produces either a privilege log or documents responsive to RFP #21.

A handwritten signature in black ink, appearing to read "Shirley Padmore", written over a horizontal line.

SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated: February 26, 2021.